

1 JOHN L. BURRIS, Esq. (SBN 69888)
2 BENJAMIN NISENBAUM, Esq. (SBN 222173)
3 **LAW OFFICES OF JOHN L. BURRIS**
4 Airport Corporate Centre
5 7677 Oakport Street, Suite 1120
6 Oakland, California 94621
7 Telephone: (510) 839-5200
8 Facsimile: (510) 839-3882
9 bnisenbaum@hotmail.com

10 Attorneys for Plaintiffs

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 CAROLYN COPELAND, et al.,

14 Plaintiffs,

15 vs.

16 COUNTY OF ALAMEDA, et al.,

17 Defendants.

CASE NO.: 4:12-cv-04286 JST

**STIPULATION REGARDING ADR,
EXPERT WITNESS DESIGNATIONS, AND
FACT DISCOVERY CUTOFF (PROPOSED)
ORDER**

18
19
20
21 **STIPULATION**

22 WHEREAS, the parties have proceeded with conducting discovery in the instant action;

23 WHEREAS, the parties previously submitted to the Court a Notice of Need for ADR phone
24 conference, on October 14, 2014, to select an ADR method to attempt to resolve the instant action,
25 pursuant to the Court's Order of October 8, 2014;

26 WHEREAS, no ADR phone conference has been scheduled yet;

27 WHEREAS, the parties are completing discovery;

28 WHEREAS, Plaintiffs had previously set Defendants' depositions to take place in early

1 December, 2014, and moved Defendants' depositions, at their request to the end of January 2015;

2 WHEREAS, Defendants set Plaintiffs' depositions for January 30, 2015;

3 WHEREAS, Defendants have propounded contention interrogatories on Plaintiffs, which
4 cannot be meaningfully completed until the depositions of defendants have been completed;

5 WHEREAS, the parties have met and conferred regarding ADR, and wish to select a mediator
6 from the Court's ADR panel, in furtherance of resolving the instant action;

7 WHEREAS, fact discovery in this action is set to cutoff on February 3, 2015;

8 WHEREAS, Expert Witness Designations are due to be exchanged by February 27, 2015;

9 WHEREAS, Expert discovery in this action is set to cutoff on April 29, 2015;

10 WHEREAS, the retention of retained expert witnesses in this matter will be one of the most
11 significant costs each party incurs in this action, and will include, at a minimum, retained use of
12 force, jail practice, and medical experts;

13 WHEREFORE, the parties respectfully request that the Court's scheduling order in this action
14 (Doc. 56) be modified to allow the parties to attempt to resolve this action through the Court's ADR
15 mediation program without incurring the substantial cost of expert witnesses, by:

16 1. Extending the completion of fact discovery to March 5, 2015, such that Plaintiffs can
17 meaningfully respond to Defendants' contention interrogatories after having deposed defendants.

18 2. Extending the date for exchange of Opening Expert Witnesses Designations and
19 Reports to April 29, 2015;

20 3. Extending the Expert Discovery date to June 12, 2015;

21 4. Ordering the Court's ADR unit to send the case to mediation to one of the ADR unit's
22 mediators with expertise in section 1983 use of force cases, such that mediation is conducted prior to
23
24
25
26
27
28

the exchange of expert witness designations. Counsel for the parties agree that sinking significant costs into expert witnesses in this case may be counterproductive to this case's settlement prospects.

Respectfully submitted,

Dated: February 2, 2015

THE LAW OFFICES OF JOHN L. BURRIS

/s/ Benjamin Nisenbaum
Benjamin Nisenbaum
Attorney for Plaintiff

Dated: February 2, 2015

BERTRAND, FOX & ELLIOT

/s/
Michael Wenzel
Attorney for Defendants

~~(PROPOSED)~~ ORDER

GOOD CAUSE SHOWN, the Court hereby orders as follows:

1. This case is referred immediately forthwith the Court's ADR unit, for the parties to select an available mediator. The ADR unit shall contact the parties counsel to discuss available mediators within one week of the issuance of this Order.
2. The close of fact discovery is hereby extended to March 5, 2015, such that Plaintiffs shall respond to Defendants' contention interrogatories by the close of fact discovery.
3. The date of exchange for Opening Expert Witness Designations and report is hereby extended to April 29, 2015.
4. The close of expert discovery is hereby extended to June 12, 2015.

IT IS SO ORDERED.

Dated: February 6, 2015

